

United States District Court

for the

Eastern District of Arkansas

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

NOV 20 2014

JAMES W. MCCORMACK, CLERK
By:  DEP CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing Is Attached)

Name of Offender: Michael Glenn Turpin

Case Number: 4:07CR00246-01 BRW

Name of Sentencing Judicial Officer: Honorable Billy Roy Wilson
United States District Judge

Original Offense: Possession of Child Pornography

Date of Sentence: October 10, 2008

Original Sentence: 84 months BOP; 8 years supervised release; DNA; sex offender registration; substance abuse treatment and testing; abstain from the use of alcohol throughout the course of treatment; sex offender treatment; polygraph testing; probation officer will provide state officials with all information required under sexual predator and sexual offender notification; prohibited from possessing, subscribing to, or viewing any video, magazines, or literature depicting children in the nude and/or in sexually explicit positions; and \$100 special penalty assessment

Type of Supervision:	Supervised Release	Date Supervision Commenced: October 15, 2014
		Date Supervision Expires: October 14, 2022

U.S. Probation
Officer: Daniel M. Cole

Asst. U.S.
Attorney: Anne Gardner

Defense
Attorney: Jenniffer Horan

PETITIONING THE COURT

- ☐ To extend the term of supervision for ____ year(s), for a total term of ____ years.
☒ To modify the conditions of supervision as follows:

The defendant will submit their person and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to a search at any time, with or without a warrant, by any law enforcement or probation office with reasonable suspicion concerning a violation of condition of probation or unlawful conduct by the person, and by the probation office in the lawful discharge of the office's supervision functions pursuant to 18 U.S.C. § 3583(d).

The defendant will have no direct contact with minors (under age 18) without written approval from the probation office and will refrain from entering into any area where children frequently congregate including, but not limited to, schools, daycare centers, theme parks, theaters, and playgrounds.

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The defendant will not own or use any computer or electronic device with Internet access at any location without the permission from the probation officer. This includes access through any Internet service provider, bulletin board system, gaming system, device, or console, online social networking activities, any public or private computer network system, cell phone or any other remote device capable of Internet access. The defendant will not access the Internet by any device or means that is not susceptible to monitoring by the probation officer.

The defendant will agree to the installation of computer monitoring software and hardware approved by the probation office. The defendant will abide by all rules and requirements of the program and will consent to unannounced examinations of all computer equipment internal and external storage devices which may include retrieval and copying of all data from the computer(s) and any internal and external peripherals and/or removal of such equipment for the purpose of conducting a more thorough inspection by the probation office or probation office representative.

CAUSE

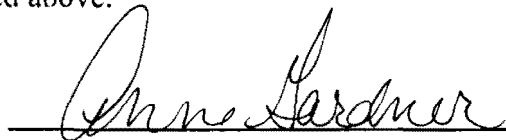
The defendant has agreed to the modifications above to assist the probation office in holding him accountable with release conditions and ensuring the protection of the public. During the defendant's initial polygraph, he disclosed sexual acts involving minors that the Court was not aware of at the time of sentencing and that were not included in his offense conduct. The details of this disclosure will be made available to the Court if requested. Each condition that is requested serves to deter the defendant from further sexual criminal acts against children, to ensure the safety of the community, and to create an environment that is most conducive and effective for sex offender treatment. The search condition should deter the defendant from possessing any illegal pornographic material. Having no contact with minors without written approval of the probation office serves to protect the children of the community and promote relapse prevention in sex offender treatment. No access to the internet without monitoring installation serves to protect the community by monitoring the defendant's compliance with no contact with minors and by verifying no possession or viewing of illegal pornographic images. No access to the internet without computer monitoring also serves to assist with relapse prevention in sex offender treatment by adding another level of accountability.

Without the requested modifications in place, the probation office cannot appropriately monitor and verify the defendant's compliance with release conditions. Therefore, it is respectfully requested that the defendant's conditions of release be modified to include the conditions listed above.



Daniel M. Cole
U.S. Probation Officer

Date: November 14, 2014



Anne Gardner
Assistant U.S. Attorney

Date: 11/19/14

Approved:

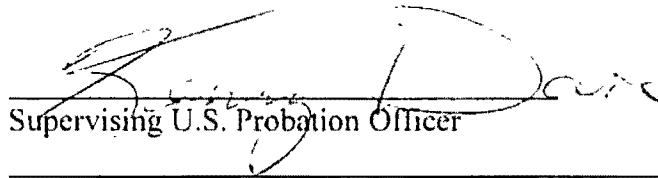
Prob 12B

-3-

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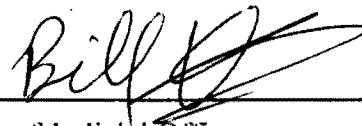
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Supervising U.S. Probation Officer

This form is to be filed with Criminal Docketing as a motion.

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer

11-20-2014

Date

This form is to be filed with Criminal Docketing as an order and/or petition.

c: Assistant Federal Public Defender, Jenniffer Horan, 1401 West Capitol Avenue, Suite 490, Little Rock, AR 72201
Assistant U.S. Attorney, Anne Gardner, P.O. Box 1229, Little Rock, AR 72203

PROB 49

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

**UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF ARKANSAS**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

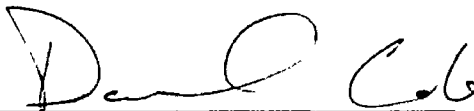
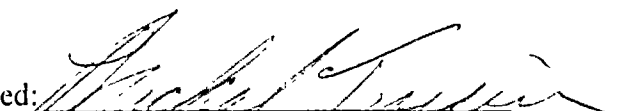
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant will submit their person and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to a search at any time, with or without a warrant, by any law enforcement or probation office with reasonable suspicion concerning a violation of condition of probation or unlawful conduct by the person, and by the probation office in the lawful discharge of the office's supervision functions pursuant to 18 U.S.C. § 3583(d).

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Witness:  Signed: 
U.S. Probation Officer Probationer or Supervised Releasee
11-4-14
DATE